

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
OCTOBER 22, 2013**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, October 22, 2013, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 27 attendees, including 4 staff and 1 press

1. CALL TO ORDER.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Andrew M. Wilkison, Village Manager offered the invocation and led everyone in the Pledge of Allegiance.

3. MOTION TO APPROVE CONSENT AGENDA.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Draft Minutes:
 - Closed Session of September 10, 2013
 - Work Session of September 10, 2013
 - Work Session of September 24, 2013
 - Closed Session of September 24, 2013
 - Regular Meeting of September 24, 2013
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, November 12, 2013 at 1:00 p.m.

End of Consent Agenda.

Councilmember Strickland moved to approve the Consent Agenda. The motion was seconded by Councilmember Cashion and passed unanimously with a vote of 5-0.

4. MOTION TO RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.

Councilmember Lapins moved to recess the regular meeting and enter into a public hearing. The motion was seconded by Councilmember Strickland and passed unanimously with a vote of 5-0.

5. PUBLIC HEARING NO. 1. Proposed New Pinehurst Development Ordinance. This document will replace the existing Pinehurst Development Ordinance in its entirety. The Pinehurst Development Ordinance contains

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all development regulations regarding zoning and subdivision authority applying to all properties within the village limits and extraterritorial jurisdiction (ETJ).

Most of the rezoning and new development will be by the conditional district zoning process, which was explained by Mayor Nancy Fiorillo and which would involve a legislative public hearing.

➤ **Doug Middaugh of 400 Pine Vista Drive:**

- Reference: Section 1.2 in part reads:

(d) Provide adequate provision of transportation, water, sewage, schools, parks and other public Infrastructure; (e) Ensure that the transportation system supports community structure, enhances community character and operates effectively.

Question: How can this document do this such as a transportation system we don't have?

- Reference: Section 1.3 in part reads:

(b) To secure safety from fire, flood, panic, and other dangers;

Question: Once again, how can this document do this such as preventing a panic?

- Reference: Section 1.10 Pending Application reads:

Any pending, complete applications submitted in good faith may proceed under the regulations in place at the time of submittal, provided the application is approved within one year.

Question: May an application submitted and approved under the current regulations be considered under the new proposed regulations at the request of the applicant once the proposed regulations are approved? Reason being is that proposed regulations may be less restrictive or more beneficial to the applicant.

- Reference: 2.3.2 Nonconforming Uses item (c) reads in part:

Damage or Destruction: If a nonconforming use of land or a structure containing a Nonconforming use is destroyed by any means other than Acts of God,

Question: Who in the village is going to determine if the cause of destruction was indeed an Act of God using what criteria and what is the time frame for the determination?

- Reference: SR-3 Dwelling, Multi-Family reads:

(1) The minimum size for a multi-family dwelling is 800 square feet.

Question 1: Why was it felt necessary to cut in half the current 1600 square foot requirement thereby potentially doubling allowable MF units?

Question 2: Also, why was it felt necessary to raise the maximum density for MF considered property from 6 units to 8 units per acre thereby increasing density by 1/3? Further, given the significance of this single item I would not have expected to see it buried in the middle of Table 9.2a on page 110 of a 273 page document.

Comment: It seems apparent that these changes are being made to specifically facilitate the future development of the "Traditions" property, the "New Core" area and the proposed "Arbor Place" development. Given that the 2 previous criteria items I mentioned were buried on page 110 with no other notice makes me wonder just how sincere the Village is in its claim of transparency and what else is buried.

- Reference: SR-27 Parking Structure item (2) reads:

Height Limit for Structures: Parking structures shall be limited to three levels.

Question: Speaking of significant changes in criteria, why was it necessary on page 88, without other reference, to increase the current limit of 2 parking levels to 3 parking levels? It seems obvious that this change is solely for the benefit of the proposed "Carriage House" parking facility.

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- Reference: 9.1.1 Fee in Lieu of Sidewalks
Question: Why do we propose to continue such an unnecessary expense to developers which borders on extortion? We should have clear and concise criteria as to when and where sidewalks are or are not required that should not require an unjustifiable payment. Is this not the time to end the fee-in-lieu practice once and for all??

- Reference: 9.13.1.1 Fences, Walls and Columns item (j) reads:
See Appendix G for representative fence styles allowed in the Village of Pinehurst.
Question: This appendix now includes solid board plus vinyl fence types. My question is why has the village quite literally chosen to throw the baby out with the bath water by including these types of fencing? Absolutely nothing about these 2 fence types makes them functionally or visually compatible with current fencing types in the village which is a claimed objective of the proposed PDO. The restrictions currently in place regarding these two types seem to have worked quite well for the 6 years they have been in place and I see no reason why we need to regress on this matter.

- Reference: 9.16.1.5 Consideration of Major Site Plans item (b):
Question: Items #1 - #4 in this reference state council action with regard to its approval/denial of a Major Site plan although one important feature of the council approval process used today is excluded. Why did the village feel it necessary to remove a required public hearing for major site plan approval? Further, as previously seen in the document, reference to a public hearing is buried in the middle of the flow chart found on page 171, however, this is further qualified by stating the council “may” hold a hearing. In reality, the approval of a major site plan actually shifts to the Village Planner given the proposed structure of the “General Concept Plan” which the council approves. It is entirely possible that any future major site development could fall to just the will of 3 council members without benefit of any public input which hardly defines a transparent process. At a minimum, there should be at least one mandatory public hearing on any proposed major development. It is apparent that the re-written PDO was done to exclude public participation which is highly questionable.

- Reference: Chapter 10. Village of Pinehurst Development Ordinance Definitions Section 10.1 reads in part:
 1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
 2. The latest edition of Webster’s new international dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein.

Comment: I feel that any document cited in the proposed PDO should be readily available to the public for review including the two “by reference” documents I’ve just cited. In the proposed PDO, I believe that there are currently 3 documents referenced. The first and most frequent is the Village Engineering Standards Manual which is found on the Village web site. WRT the state building code it is extremely time consuming and difficult to find the state building code on the state web site. As a solution, I propose that a web link to the correct code be included in the PDO. WRT Webster’s dictionary, it is not found on the web making this a questionable reference document in my opinion. I realize that the village has at least one copy outside of Bruce’s office although I would not term that copy readily accessible to the public. As a solution, I suggest that this copy be moved to the foyer of the P&Z Department.

➤ Lois Eggers of 36 Beryl Circle:

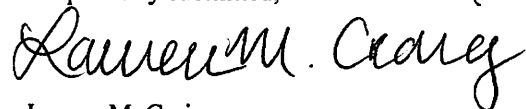
- Raised a question about the sidewalks and allowing Parks and Planning to use others property for parks, the greenway, etc. and there should be a designation for where sidewalks go. She said the new ordinance does not indicate where sidewalks should go but it gives Parks and Recreation the opportunity to put gravel where they desire.

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- No one seems to know if Pinehurst can grant variances in right of ways. She noted concern that the Village could come in 18 feet into a yard for a greenway path since the road is 12 feet and she feels that the ordinance does not indicate anything.
 - She noted questions are increasing of less space in multi-family units and to put additional families on one acre is absurd.
 - Councilmember Strickland commented that if sidewalks are built they are 6-7 feet off the road but they would not be placed 18 feet off the road.
- Wayne Haddock of 43 Juniper Creek Blvd and Owner of Pinehurst Homes:
- Noted a situation with owner of a restaurant in the Village of Pinehurst that is he doing work for and the time is limited with the transition between the existing PDO and the new PDO. He said the applicant was delayed last month pending what would happen in the new PDO. He would like to move it forward and try to obtain permit to begin in January so they can reopen in April and be prepared for the US Open. He is hoping that applications submitted during old PDO would be taken all the way through under those regulations and the applications submitted after the new PDO would be taken all the way through under the new regulations.
- Jack Farrell of 21 Gray Abbey Drive:
- Noted that a lady at the candidates meeting last Tuesday stood up and said to candidates, "I heard you all talk about the changing in demographics and etc. but hopefully you realize most of us moved here for Pinehurst character so tell me how you are going to maintain and protect the special character of Pinehurst." How does each particular item in the PDO help preserve the special character of Pinehurst?— this should be criteria every step of the way during this process.
- Chris Procci of 21 Pinebrook:
- Noted concern as someone who just moved in to a house in regards to the propane tanks going above ground. He said the buried tanks can leak and an affluent area like CCNC allows tanks above ground so Pinehurst should too.
- 6. MOTION TO ADJOURN PUBLIC HEARING, RE-ENTER REGULAR MEETING, AJOURN THE REGULAR MEETING, AND RECONVENE THE WORK SESSION FROM OCTOBER 21, 2013.**

Councilmember Lapins moved that the Village Council close the Public Hearing, re-enter the Regular Meeting, adjourn the Regular Meeting, and reconvene the Special Meeting from October 21, 2013. The motion was seconded by Councilmember Parson and passed unanimously with a vote of 5-0.

Respectfully submitted,



Lauren M. Craig
Village Clerk